THE CASE OF THE COMMONALITY OF THE CORPORATION OF Weavers of London truly Stated.

Humbly presented to the Consideration of the Honorable House of Commons.

ALL Legall Jurisdictions over a number of people or society of men must either be primitive or derivative, now primitive jurisdiction is undoubtedly in the whole body and not in one or more members, all men being by nature equall to other, and all Jurisdictive power over them being founded by a compact and agreement with them, is invested in one or more persons, who represent the whole, and by the consent of the whole are impowred to govern by such rules of equality towards all, as that both governours and governed may know certainly what the one may command, and what the other must obey;

 without

without the performance of which mutuall contract, all obligations are cancelled, and that jurisdictive power returns unto its first spring (the people) from whence it was conveighed.

And doubtlesse whatever power our governors of the Corporation of Weavers may pretend and plead for, if they have any rationally, they had it at first from the whole body, as it stands incorporated into a civil society of men walking by such rules, established for the preservation of the Trade, advancement and encouragement of the professors thereof.

And if it shall be objected, that they had a Charter granted them by the King, whereby they are invested with that power they challenge; we answer, That there is not any one liberty that is granted to them, but what is also granted to the meanest Member of the said Company. The words of the Charter are these;

A Copy of the Charter granted by King Henry the second, unto the Weavers of *LONDON*.

HENRY *King of* England, *and Duke of* Normandy *and* Aquitane, *Earl of* Andion, *To the Bishop, Justices, Sheriffs, Barons, Ministers, and to all his faithful of* London *greeting, know ye me to have granted to the weavers of* London, *their Guild to be had in* London *withall Liberties and Customs which they had in the time of King* Henry *my Grandfather, so that none but by them shall entermeddle within the City in their mystery, neither in* Southwark, *neither in any other place pertaining to* London, *otherwise then was wont to be done in the time of King* Henry *my Grandfather, wherefore I will and firmly command, that every where they shall be lawfully used, and shall have all the things aforesaid as well, and in peace, and freely, and honorably, and wholly, and more better, freelier, and honorablyer, and whollyer, then ever they had in the time of King* Henry *my Grandfather; so that every year they do render unto me two marks of gold at the feast of S.* Michael. *And I forbid, that any hereupon shall do unto them any injurie or contumely upon the forfeiture of* 10. l. *witness* T. Cant. *and* Ware, *the Son of* Gerr. *Chan. at* Winchester.

So that it is cleer this Grant was not to so many particular men, but to the whole society; and what power soever any person or persons were afterwards invested withall, must of necessity be by the *consent, election* and *approbation* of the whole body; and if our Egyptian Task-Masters have any other Commission for their usurped power over us, why do they not produce it? certainly if they could, they would, but having none they plead custom and Presidents, both which they will find but broken reeds to lean upon, but rotten props to support their worm-eaten Soveraignty.

1. For first, There must be these two things to make a custom valid. 1. Usage. 2. Time, yet that time must be such whereof there is no memo-

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ry of man, and the usage must be peaceable without interruption; but both these are wanting to strengthen their claim to their pretended power over us; for it is within the memory of man, since there was a claim to the freedom of Election, *viz.* in the 19. of *Eliz.* and when there was a claim, there was an interruption, and therefore that plea is to no purpose; But

2. Suppose there were a custom, and that it had been time out of mind also; yet if long usurpations of power should make the exercise thereof legal, the very foundation of just Government were subverted.

3. No custom against an Act of Parliament is valid in Law, but the custom claimed by our Govetnors is against the very fundamental Constitutions both of al civil societies, & of several Acts of Parliament, which ordain, that al Elections shal be free, chiefly 3. of *Ed.* 1. *Ch.* 5. by vertue of which the people choose all their Officers and Magistrates in the several Parishes and Precincts in this Kingdom; and if it be according to Law in the Major, the Common-wealth, it must consequently hold in the Minor, a particular Corporation or civil society of men as we are, &c.

4. But Customs are only valid when reasonable, and Sir *Edward Cooke* saith, 1. pa. Institutes, pag. 62. That any Custom, how long soever it hath continued, if it be against reason, is of no force in Law; course of time amends not that which is corrupt in its original; now nothing in the world can be more unreasonable then that such a number of men as 16 should have liberty to exercise a power over as many thousands, without, nay against their wills, consent, or election, especially having neither Law, nor ought else to plead but Custom which is altogether unreasonable, and therefore unlawful; and if it be adjudged lawful to take purses on *Newmarket* heath, because purses have been taken there time out of mind, truly 'tis a vain thing to have a Law in being; let Custom be the Rule, and Power the Judg, and then there will be many Tyrants but more slaves. The challenge and exercise of such a power over a people, being the perfectest badg of slavery that men can be subjected to.

But we shall proceed in a discovery of those oppressions and abuses which we complain so much against in our Governors.

1 Charge. *They have admitted* Aliens *to be* Masters *for* sums *of* money *without serving* 7 years, *contrary to the* Statutes *of the Realm*, orders *of the* Lord Mayor, *and Court of* Aldermen, Customs *of the* City, *and* Ordinances *of the* Company.

By the Statutes of the 1. *Rich.* 3 *Chap.* 9. 21. of *Hen.* 8. *Chap.* 16. 32. of *Hen.* 8. *Chap.* 16. it is enacted, *That no stranger Artificer not being denizen, shall set up or keep any house, shop, or chamber within* London, *or any other City, Town, Borrough, or Village, wherein he shall exercise any handicraft or mistery, upon pain to forfeit all his Goods.*

Also, without serving 7. years, contrary to the Statute of the 5. of *Eliz.* *chap.* 4. which saith, *No manner of person should use any handicraft, mystery, or manual occupation without serving* 7. *years as an Apprentice*; but as if all Laws were no more to them then the *Philistins cords* to *Sampson*, easily broken. They have brought in by their own confession three hundred and twelve strangers to be Masters of the said Company, and have taken for their admittance

mittance 5 l. a man, which amounteth to 1560.l. or thereabouts, all which they have for ought is visible converted to their own use. Besides upon search and examination we find many hundred House-keepers, Weavers, that are Aliens in and about Bishops-gate-street, and the parts adjacent, all of which are admitted and permitted by the Masters of the said Company, and use the Trade of weaving, to the utter undoing of the poor Commonalty of the said Corporation.

Nay they have proceeded also contrary to the Customs of the City, which enjoyneth every one to serve 7 years as an Apprentice, as is expressed by an order made 1627. and an order made 1630. and contrary to a decree made *April 6. Anno Dom.* 1585. by a full Court of Assistants, wherein it was adjudged to be against Law and Conscience to admit of any Alien or English, but such as have served 7 years as an Apprentice within their Guild; and did order and decree, That the said Bayliffs and Governors should use and execute all lawful means by vertue of the Weavers Charter, to avoid and remove all such persons, and English Forraigners as should place themselves within the liberty of the said Charter. As touching their Answer to this Charge we desire it may be observed.

1. That they wave the main part of the first Charge, and say that they are charged with the *admittance of strangers only*, when our Charge is this, *That they have admitted strangers to be Masters of the Company for money, contrary to Law, &c.* But because they have no pretended Law to plead Justification by, they seem to take no notice thereof, and only insist upon the admittance of strangers in general.

2. To colour the business they alleadg they *have admitted none but Protestants, &c.* To which we answer, That if to be a Protestant be a sufficient authority for persons that are strangers to use a Trade, why should not all English Protestants be admitted also; but by Law that is provided against, and therefore can be no way warrantable for strangers. Besides it is a liberty which is denyed to us by other Nations; for if an Englishman go beyond Sea, he must serve as a Journeyman, or servant to another, being not allowed to set up for himself either in *France* or *Germany*; although in *France*, &c. The Natives never serve 7 years for their Trade, but either give a piece of money to learn, or serve a year or two as week boys, and then set up for themselves, and therefore by the Law of Retalliation ought to be used here as they use us in their Nations, especially considering that for prevention of the evil that we now lie under, the King hath called in all his Letters of Grace formerly granted to strangers, so that neither by Law nor Grace they can justly challenge protection, much less authority as hitherto to eat the bread out of our mouths.

3. They object, That the *strangers admitted are broad weavers*, and deal not in the Commodities that we trade in, *viz.* Ribon, lace, &c.

This Objection is false, for most of us can, and many of us have wrought as good broad stuffs as any are now adays made, and would do still, were it not for the vast number of strangers, (which have engrossed the Trade,) that we have been necessitated to leave it and fall to Lace and Ribbond, all which is confessed by the said Governors in their first Bill which lies before the

the Committee. And if it ſhall be demanded how or by what means they got the Trade into their hands; we anſwer, That at the beginning of the War many of us and our ſervants engaged for the Parliament, and in our abſence, they being generally Malignant, ſtaying at home, and keeping ſervants all of their own Country, never imploying any Engliſh, as they by Law ought, by degrees got all the Trading, ſo that now the War is ended, and we returned to follow our Callings, we can get no employment.

By which means many hundreds have been forced to leave the Trade, as to be Porters, Laborers, water-bearers, Chimny-ſweepers, Salt cryers, and ſmall chole men, &c. and many forced to take relief from the ſeveral Pariſhes wherein they dwel, beſides many that can get no employment at all are forced to beg; and ſome have periſhed by famine, others have gone from their wives and children, becauſe they could not provide for them, and ſome have fallen diſtracted and ſo have dyed, and all of us are in a periſhing condition.

2 Charge. *They have admitted Natives to weave and ſet up weaving in their Guild without ſerving 7 years, contrary to the Statutes, Orders and Cuſtoms aforeſaid*, as hath been proved by ſeveral witneſſes before the Committee of this honorable Houſe.

3 Charge. *They exact extraordinary fees of thoſe perſons that they make free or admit, taking a ſilver ſpoon of an ounce and half weight, and five ſhillings eight pence in money, contrary to the Statutes of* 22. *of* Hen. 8. Chap. 4, *and* 28. *of* Hen. 8 Chap. 5. *which is abſolutely forbidden upon the penalty of* 40. l. *And if any perſon have at any time refuſed to pay them the ſaid* extraordinary fees, *they have kept them out of their* Freedoms, *contrary to an order of the* Lord Major *and* Court of Aldermen, *made* 1627. *whereby it was ordered, That from thenceforth they ſhould not take above* 3. s. 4 d. *and put none they make free to greater charges; but they have contemned the ſaid orders, and declared in words that they had no* power to make orders for them.

All this they have confeſſed, and plead an Ordinance of their own making to be a ſufficient authority for ſo doing, though both againſt two Statutes, *viz.* 22. of *Hen.* 8. *Chap.* 4. & 28. of *Hen.* 8 *Chap.* 5. and the orders of the *Lord Maior*, and *Court of Aldermen* By colour of which Ordinance they have deprived one *John Gurnet* of his Freedom for the ſpace of *eleven years*, by which he hath been damnified many hundreds of pounds. Beſides they have upon the ſame account kept many poor men which have been out in the *Parliament ſervice*, and been *maymed*, and ſought their *Freedom* by the *Ordinance* of *Parliament* made in that behalf, from their Freedoms to this day, becauſe they are not able to pay thoſe *extraordinary fees* by them dayly exacted, by pretence of the ſaid *Ordinance* of their own making.

4 Charge. *They have deprived the* Commonalty *of their* Rights *in their firſt* Ordinance, *which ſaith, the* Bayliffs *are to be choſen by the* Bayliffs, Wardens, Aſſiſtants *and* Commonalty, *which Ordinance is grounded upon the Statute of the* 3. *of* Edw. 1. Chap. 5. *which ſaith*, Elections ought to be free, &c.

As touching the right of Election, ſufficient hath been ſpoken in the preamble before theſe Charges, only give us leave to inſert a few particulars in anſwer to their Objection.

1. Whereas they Object, That the *Commonalty* are repreſented in the *Livery* of

of the ſaid Company; we anſwer, *Legal Repreſentatives* muſt be legally choſen by the perſons *repreſented*, or elſe they cannot, or at leaſt ought not to be bound by their determinations; but the *livery* men of our *Company* are choſen by the *Bayliffs* and *Governors*, and not by the *Commonalty*, and ſo may properly be called the *Governors Repreſentatives* and not ours; we being never called to give our voyce in their *Elections*, neither are they indeed elected, but brought in for 5. l. a man. In liew whereof they are inveſted with a peculiar priviledg above others, by being impowered to keep more ſervants then ordinary, by which means the Commonalty is deſtroyed alſo.

And whereas they object, that *Bayliffs* have been choſen by the *old Bayliffs*, *Wardens*, *Aſſiſtants* and *Livery* of the ſaid Company, ever ſince they were a Company which is near 500. years. The ſaid allegation is altogether falſe; for though it be true, that the *Charter* is nigh 500. years old, yet was there not *Liveries* of *Companies* for hundreds of years after, and yet we are ſure *Bayliffs* were choſen by vertue of the ſaid *Charter*, when there was no *Liveries* in Companies.

But if it were granted, that what they alleadg were true, yet certainly an *evil Cuſtom* long *uſurped* cannot therefore become *legal*, 1 part *Cooks Inſtit.* page 62. But becauſe they have no *legal authority* to plead, they inſiſt upon *conſequence*, and deſire you to conſider what evil effects ſuch *vulgar elections* may produce. To which we anſwer, *Surmiſes of events are no valid arguments*; for if that were granted, no Law could be made to prevent a known evil, leſt the removal of that, might occaſion a greater evil. But it is a known maxime, a ſurmiſe of a *probable evil* ſhould not hinder a *certain good*.

But ſecondly, There are many examples of general elections, and yet no ſuch evil effects follow as theſe men would perſwade you.

1. Elections are general in the choice of Knights of ſhires, all Freeholders being authorized by Law to give their voyce in their election, and all Freemen of Corporations have their voyce in the choice of their Burgeſſes, which are to repreſent them in making of Laws, by which they are to be bound, and all this done without any ſuch evil effects as theſe men pretend and ſurmiſe.

2. *Common-Councel-men* and all other *Officers* are every year choſen by the *common conſent of all the free Inhabitants* of every Pariſh: Nay the Lord Mayor by the common conſent of all the Repreſentatives of the whole *Commonalty* of London (which are a greater multitude by far, and of a greater diverſity in opinion and affection then we) and yet without any ſuch evill effect as is ſurmiſed.

3. The Company of Mercers, London, chuſe their Maſters and Wardens by the voyce and conſent of the whole Commonalty, and certainly what is done by them, may be done by us, without any ſuch evill effects as they pretend.

4. The Commonalty of our Corporation on the day of their Election choſe out of their number 140 to repreſent the whole, which number being preſented to the Honorable Houſe of Commons, upon the 22 of *July* 1648. and by them not only approved of, but an Order likewiſe granted us to manage our Election peaceably according to Law, which had been done accordingly

cordingly had not the ſaid Governours forcibly kept us out of our Hall, and contemned the Order of this Honorable Houſe.

5. Charge, *They have diſmiſſed the* Yeomandry *contrary to ſix ſeverall Orders made with their conſent by the Lord Mayor and Court of Aldermen.*

But they Object, That they have not diſmiſt them, &c.

If they had not diſmiſſed them what needed ſo many ſeverall Orders to be made to the contrary; but we deſire you to take notice, That the Yeomandry did conſiſt of ſixteen perſons which were authorized by the aforeſaid ſix ſeveral Orders to ſearch and find out the abuſes in Trade, *viz.* Intruders that had not ſerved ſeven years; and that none but ſerviceable work might be made for the Commonwealth; Now becauſe theſe Governors gain by Intruders, making them pay for their Permiſſion, and driving the greateſt Trade, make much ſlight and deceitful work, therefore they have diſmiſſed the ſaid Yeomandry, by reaſon whereof both the ſaid Evils are continued. Beſides, the Yeomandry by the ſaid Orders were to have the Journeymens Quarteridges for their pains, but now being by them diſmiſſed they gather the Quarteridges and ſhare it among themſelves.

But ſecondly, they ſay, We ſhould have complained to the Lord Mayor, &c.

To which we anſwer, That we had little hope that they which would not obey ſix Orders, would obey the ſeventh. But for further ſatisfaction, becauſe the Foxes ſhall have never a hole left, know, that for the ſpace of thirty years we have applyed our ſelves to the City, but they have contemned all Orders; Nay, we have applyed our ſelves nigh eight years to the Honorable Houſe of *Commons*, and have obtained ſeveral Orders, all which they have contemned, and refuſed to yeeld obedience to, ſpeaking very contemptuouſly againſt the Authority of Parliament.

6. Charge. *That they have waſted the Stock and Treaſure of the Company in bie ways, and have not made that proviſion for the poor members of the Company as by their Truſt they ought to have done.*

So that what with their Feaſtings, defending vexations Suits contrary to Law, purchaſing a Monopoly, large Fees for Councellors, Bills, Demurers, Suits againſt Weavers of other Companies, &c. They have, in one year out of the Companies Stock and Income (which amounted but to 791 l. 5 s. 5 d.) ſpent 566 l. 19 s. 8 d. which years account agrees with their diſburſements other years alſo; and for two hundred pounds given by one Mr *Ralph Hamor* to purchaſe Land for the Poor, they have purchaſed none to this day, but have ſhared the money among themſelves.

They have had ſeveral other Incomes and Legacies, yet the Poor are wholly neglected and unprovided for, and the Stock of the Company wholly waſted, and it is not clear to us but that they are very much indebted

All this appears by the examination of three years accompts taken by Mr *Bening field* and Mr *Crowder*, who were choſen as a Sub-Committee for that purpoſe.

Now if the Corporation be ſo much damnified in three years, it will be very conſiderable to imagine what they have ſuſtained and have been damnified by the ſaid Government and Governors in a hundred years.

7. Charge. *They have neglected to put the Laws of the Land, Ordinances*

of

of the Company, or Orders of the Lord Mayor and Court of Aldermen in execution againſt intruders, &c.

8. Charge. *Laſtly, They procured a Pattent and Contract exceeding deſtructive to the Trade and Society.*

1. By prohibiting them making of mixtures uſeful, by impoſing Fines, Amerciaments, levying thoſe Fines by diſtreſs, ſelling at their wills the Goods, Chattels, and other things appertaining to the Company.

2. That without any act of Parliament they have cauſed mens Goods to be forfeited, whereof they were to have one half, &c.

3. They have altered the Government of the Company from twelve Aſſiſtants to twenty All this by colour of the ſaid Pattent.

In liew whereof they contracted with his Majeſty to ſee payd by the Commonality 7 d. upon every pound of Silk wrought in broad Stuff.

They contracted to take a Bond of two hundred pounds of every Weaver for the performance of the ſaid payment, and upon the refuſal of divers perſons to be bound as aforeſaid, they have cauſed them to be taken by Purſevants, and brought before the Councel Table, and reſtrained of their liberties until they conſented to perform the Premiſſes. Beſides, this Pattent was procured, and contract made, without the knowledg or privity of the Commonality; yet their names uſed in both.

Every particular part of this Charge is proved by many witneſſes, beſides many other things too large here to be inſerted.

The Premiſſes conſidered, and all other circumſtances duly weighed, our deſires for the Freedom of Elections being both legal and rational, our ſufferings and abuſes under uſurping pretended Governors ſo abuſive and oppreſſive, our Wants ſo great, Company ſo numerous, Trading ſo little, and that too devoured by ſtrangers,

And forasmuch as notwithſtanding we apply'ed our ſelves 30 years to the City, and could obtain no relief, and ſince, nigh eight years to this Houſe; if after all this we ſhall be denyed a iuſt eſtabliſhment and confirmation of our preſent Election, and proviſion for the Freedom of future Elections, and redreſs of theſe our preſſing grievances, we ſhall be left without all future poſſibility of relief herein, there being no appeal from Parliament.

We therefore hope all theſe things put together will be of ſuch weight with all conſciencious godly men in this honorable Houſe of Commons, as that we ſhall not need to fear your willing aſſiſtance for the redreſſing theſe great evils, and granting our iuſt deſires. The ſpeedy performance whereof will not only gaine unto you the prayers of many thouſand perſons who are ready to periſh for want of Trading, but alſo engage them as heretofore, ſo for the future, to ſtand by you in your greateſt neceſſities, for the ſtrengthening your hands in the execution of Juſtice and Judgement, and redreſs of the oppreſſions of the Nation.

FINIS.